IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 10852 of 2004(P)

PETITIONERS:
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1. **M.N.SREENIVASAN, PART TIME SWEEPER,**
   OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE,
   KAKKANAD.

2. **A.N.CHANDRIKA, PART TIME SWEEPER,**
   OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE,
   KAKKANAD.

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD.

2. **STATE OF KERALA, REPRESENTED BY THE**
   CHIEF SECRETARY TO GOVERNMENT OF KERALA,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.10852/2004 P

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE SALARY RECEIPTS OF THE 1ST PETITIONER FOR THE MONTH OF FEBRUARY 2004.**

EXT.P1(A): **COPY OF THE SALARY RECEIPTS OF THE 2ND PETITIONER FOR THE MONTH OF FEBRUARY 2004.**

EXT.P2: **COPY OF THE JUDGMENT DATED 15/07/2003 OF THE HON'BLE HIGH COURT OFKERALA IN WP(c) NO.16871/2003.**

EXT.P3: **COPY OF THE SKETCH SHOWING THE AREA WHICH THE 1ST PETITIONER IS SWEEPING.**

EXT.P4: **COPY OF THE SKETCH SHOWING THEAREA WHICH THE 2ND PETITIONER IS SWEEPING.**

EXT.P5: **COPY OF THE ORDER DTD. 10/11/2003 OF THE 1ST RESPONDENT.**

EXT.P6: **COPY OF THE LETTER OF THE 2ND RESPONDENT DTD. 16/10/2003 AS CIRCULATED BY THE 1ST RESPONDENT.**

EXT.P7: **COPY OF THE ORDER IN G.O.(P) NO.361/2005/FIN. DTD.2/08/2005.**

EXT.P8: **COPY OF THE REPRESENTATION DATED 6/01/2006.**

EXT.P9: **COPY OF THE CERTIFICATE OF THE 1ST PETITIONER ISSUED BY THE ASST.ENGINEER, PWD BUILIDNG SECTION, EDAPPALLY.**

EXT.P10: **COPY OF THE CERTIFICATE OF THE 2ND PETITIONER ISSUED BY THE ASST.ENGINEER, PWD BUILDING SECTION, EDAPPALLY.**

EXT.P11: **COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT BY THE PETITIONERS.**

/TRUE COPY/

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K.K. DENESAN, J.

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W.P.(C) No. 10852 OF 2004 P
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Dated this the 19th March, 2007

J U D G M E N T

The petitioners are Part-time Sweepers attached to the Collectorate, Ernakulam. Exts. P9 and P10 certificates issued by the P.W.D. Engineer show that the sweeping area allotted to the 1st petitioner is 456.58 Sq. ms. and the sweeping area allotted to the 2nd petitioner is 402.85 sq.ms. respectively. It is contended that if the area thus certified is taken into account, the petitioners are entitled to get their services regularised as Part-time Sweepers and to get basic pay at the rates sanctioned for sweeping 400 sq. ms. to 800 sq. ms. The emoluments now paid to the petitioners is at a consolidated rate of Rs.600/- per mensem and they feel seriously aggrieved.

2. Government have issued orders laying down guidelines for allotting sweeping area for Part-time Sweepers as also the procedure to be followed for creation of additional posts wherever required. Govt. Order dated 25-11-2005 deals with the procedure for regularising the services of Part-time Sweepers and

sanctioning due pay scales or emoluments, as the case may be. The petitioners have approached the Government seeking orders based on Govt. Order dated 25-11-2005.

3. Ext. P11 representation filed by the petitioners is pending with the 2nd respondent. Since the petitioners are working in the Revenue Department, Ext. P11 shall be transmitted to the Secretary to Government in the Revenue Department. The request made by the petitioners for regularising their services taking into account relevant aspects in the light of Govt. Order dated 25-11-2005 deserves consideration. The Secretary to Government shall advert to Exts. P9 and P10 as also orders relevant on the subject, take decision as early as possible and communicate the same to the petitioners within two months from the date of receipt of a copy of the judgment. Ordered accordingly. The plea raised by the petitioners that the total area as certified by the P.W.D. Engineer comes to 4675 sq. ms. and the argument that an equitable distribution of the total area by proper apportionment among the 8 (eight) Part-time Sweepers including the petitioners now working shall be made to

eliminate arbitrariness, shall also be considered.

With the above directions the writ petition is disposed of.

K.K. DENESAN
JUDGE

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